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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re SABRINA P.,

a Person Coming Under the  
Juvenile Court Law.

B290605

(Los Angeles County  
Super. Ct. No. 18CCJP01756)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

KEVIN P.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Debra L. Losnick, Juvenile Court Referee.  
Dismissed.

John M. Kennedy, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, Tracey Dodds, Principal Deputy County Counsel, for Plaintiff and Respondent.

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Father Kevin P., who has been imprisoned at all relevant times during these dependency proceedings, appeals from (1) the dependency court's jurisdictional finding against him making his 9-year-old daughter a dependent of the court under Welfare and Institutions Code section 300,<sup>1</sup> and (2) the dependency court's concomitant dispositional order placing his daughter in the custody of the Department of Children and Family Services (DCFS) (which then suitably placed his daughter with his parents, a decision with which he agrees). Because we find Father's appeal is non-justiciable, we dismiss his appeal.

## **FACTS AND PROCEDURAL HISTORY**

Sabrina P. (Minor) was born in 2009. Minor was about eight-and-a-half years old when this dependency case started, by which time she had cumulatively lived approximately five-and-a-half years with Father's parents, her paternal grandparents.

In February 2018, DCFS received a referral alleging Mother had neglected Minor, who was living with Mother at the

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<sup>1</sup> All further statutory references are to the Welfare and Institutions Code.

time. DCFS investigated Minor's living circumstances and maternal family. Based on its investigation, DCFS removed Minor from Mother's care on March 14, 2018. Two days later, DCFS filed a petition under section 300, superseded by an amended petition, that alleged four counts against Mother (who is not a party to this appeal) and one count against Father. The first two counts against Mother alleged her violent conduct toward members of her family, and her failure to protect Minor from exposure to that conduct, placed Minor at risk of serious physical harm and other injury. (§ 300, subds. (a), (b)(1).) The third count alleged that Mother's shoplifting in Minor's presence placed Minor at risk of serious harm. (§ 300, subd. (b)(1).) The fourth and final count against Mother alleged her use of marijuana rendered her incapable of providing regular care to Minor and placed Minor at risk of physical and emotional harm and damage. (*Ibid.*)

As for Father, DCFS alleged one count. DCFS alleged Father's convictions for grand theft, carrying a concealed dirk or dagger, and possession of a controlled substance, and his registration as a controlled-substance offender, made him unable to provide for Minor's regular care and supervision; endangered her physical health, safety, and well-being; and placed her at risk of serious physical harm. (§ 300, subd. (b)(1).) DCFS leveled its single allegation against Father despite his having been imprisoned since 2015, before Mother's neglect and abuse of Minor brought Minor to DCFS's attention in 2018.

The dependency court held a combined jurisdictional and dispositional hearing in June 2018. The dependency court stated it had reviewed DCFS's most recent Jurisdiction/Detention report, which the court admitted into evidence. DCFS did not

call any witnesses, and Father did not testify. Father asked that the court dismiss the single count against him and dismiss him from the case because he had not been involved in, and had been ignorant of, Mother's abuse and neglect of Minor. The court denied Father's request.

After argument by counsel, the court rendered its jurisdictional findings. The court sustained all four counts against Mother, and ordered monitored visitation and reunification services for her and Minor. In addition, the court sustained the single count against Father. The court denied Father family reunification services because his ineligibility for parole until 2027—the year Minor turns 18 years old—meant Minor would unlikely be in Father's personal care anytime during her childhood.

Father's request for dismissal having been rebuffed, Father requested that the court's dispositional order suitably place Minor at home-of-father with Minor continuing to live with his parents, where Minor's counsel agreed Minor preferred to live. The court denied Father's request. The court instead declared Minor a dependent of the court under section 300, subdivisions (a) and (b), and removed Minor's care, custody and control from Mother and Father.

The court suitably placed Minor with DCFS, and DCFS placed Minor with Father's parents. Placement with Father's parents did not terminate Father's or Mother's parental rights and was not a permanent plan. The court set a section 366.21, subdivision (e) status review hearing for December 2018.

Father appeals from the dependency court's jurisdictional findings and dispositional order.

## STANDARD OF REVIEW

“ ‘In reviewing a challenge to the sufficiency of the evidence supporting the jurisdictional findings and disposition, we determine if substantial evidence, contradicted or uncontradicted, supports them. “In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court’s determinations; and we note that issues of fact and credibility are the province of the trial court.” [Citation.] “We do not reweigh the evidence or exercise independent judgment, but merely determine if there are sufficient facts to support the findings of the trial court. [Citations.] ‘ “[T]he [appellate] court must review the whole record in the light most favorable to the judgment below to determine whether it discloses substantial evidence . . . such that a reasonable trier of fact could find [that the order is appropriate].” ’ [Citation.]” [Citation.]’ [Citation.]” (*In re I.J.* (2013) 56 Cal.4th 766, 773.)

## DISCUSSION

The dependency court sustained four counts under section 300 against Mother and one count against Father. Correctly noting that he was not involved in Mother’s conduct—domestic violence against her family members, shoplifting, and drug use—that endangered Minor, Father contends the evidence does not support the dependency court’s finding that he posed a substantial risk of harm or injury to Minor. In response, DCFS observes that dependency jurisdiction based on one parent’s

conduct is good as to the other parent because dependency jurisdiction embraces the minor, not the parents. (*In re Alysha S.* (1996) 51 Cal.App.4th 393, 397 [jurisdictional finding against one parent is “good against both”].) Because Mother has not appealed from the dependency court’s findings against her, DCFS urges us to exercise our discretion and decline to hear Father’s appeal because of its non-justiciability.

We agree that Father’s appeal is non-justiciable and should be dismissed. As explained by the Court of Appeal in *In re I.A.* (2011) 201 Cal.App.4th 1484, the concept of justiciability focuses on whether the court can grant effective relief. “An important requirement for justiciability is the availability of ‘effective’ relief—that is, the prospect of a remedy that can have a practical, tangible impact on the parties’ conduct or legal status.” (*Id.* at p. 1490.) Mother does not challenge the jurisdictional finding against her. Thus, even if we reversed the jurisdictional finding against Father, Minor would remain a dependent of the court based on the findings against Mother. (*In re Alysha S., supra*, 51 Cal.App.4th at p. 397.) Moreover, Father does not challenge the dispositional order placing Minor with his parents. Consequently, he fails to show that reversing the jurisdictional finding against him would meaningfully change, now or in the foreseeable future, Minor’s day-to-day life with his parents while he sits in prison during Minor’s childhood.

Father cites case law that an appellate court may review a dependency court’s jurisdictional finding if reversing that finding reduces one parent’s culpability from the stigma of an “‘offending’” parent to a “‘non-offending’” parent. (*In re Andrew S.* (2016) 2 Cal.App.5th 536, 542, fn. 2; *In re Drake M.* (2012) 211 Cal.App.4th 754, 763.) According to Father, the stigma of the

dependency court's jurisdictional finding against him entitles him to such relief.

Father's contention is unavailing because little, if any, additional stigma attaches to him from the dependency court's jurisdictional finding against him. The stigma that he endures instead largely arises from the undisputed facts that exist independently of the dependency court proceedings. Those facts are:

1. Father last saw Minor in 2012;
2. Father has been in prison since 2015;
3. Father was not meaningfully involved in Minor's life before his imprisonment other than to arrange for his parents to care for her during Mother's absences; and
4. Father is not eligible for parole until 2027, the year Minor becomes an adult when she turns 18 years old.

Those facts remain true regardless of how this court rules. Father does not have a meaningful relationship with Minor and has not shown the likelihood of developing one with her before she becomes an adult. As such, this case is not sufficiently compelling to justify this court's exercise of discretion to review the allegation sustained by the dependency court against Father. (See *In re M.W.* (2015) 238 Cal.App.4th 1444, 1452 [discretion exists to review jurisdictional finding that could impact future dependency proceedings or have consequences beyond dependency jurisdiction].)

## DISPOSITION

The appeal is dismissed.  
NOT TO BE PUBLISHED

LEIS, J.\*

We concur:

ROTHSCHILD, P. J.

JOHNSON, J.

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.